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10/597,594	08/01/2006	Marinus Adrianus Henricus Looijkens	NL040115	3644

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EXAMINER

DANIELSEN, NATHAN ANDREW

ART UNIT	PAPER NUMBER
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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,594	Applicant(s) LOOIJKENS, MARINUS ADRIANUS HENRICUS	
	Examiner Nathan A. Danielsen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-15 are pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

4. Claim 12 is objected to because "receive" should be changed to --receives--. Appropriate correction is required.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4-6, 8-10, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Fairgrieve et al (US Patent Application Publication 2004/0120369; hereinafter Fairgrieve).

Note that applicant's reference numerals have been omitted in the following rejections to increase the readability of the rejections. Applicant is not required to remove these reference numerals from the claims.

Regarding claim 1, Fairgrieve discloses an integrated photo monitor circuit, particularly an integrated photo monitor circuit for CD and DVD applications (element 100 in figure 1 and ¶ 49), comprising:

a photo detector (element 106 in figures 1 and 2 and ¶ 11),

an amplifier for amplifying an output signal of said photo detector (element 107 in

figure 1 and element 109 in figure 2 and ¶s 16 and 17), and

sampling circuitry for sampling an output signal of said amplifier (element 107 in figure 1 and

element 116 in figure 2 and ¶s 16 and 18).

Regarding claim 2, Fairgrieve discloses everything claimed, as applied to claim 1. Additionally, Fairgrieve discloses where the integrated photo monitor circuit further comprises an input for receiving timing information used for sampling (note the connection between elements 111 and 118 in figure 2 and described in ¶ 18).

Regarding claim 4, Fairgrieve discloses everything claimed, as applied to claim 1. Additionally, Fairgrieve discloses where said amplifier is a current to voltage amplifier (suggested by ¶ 17 in combination with ¶ 19; where, in figure 2, the current from element 106 passes through resistor R2 and is

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compared to a voltage VREF and where the output of element 126, which is at least similar to element 108, is a voltage, meaning that a current is input to element 109 and a voltage is output from element 109).

Regarding claim 5, Fairgrieve discloses everything claimed, as applied to claim 1. Additionally, Fairgrieve discloses where the integrated photo monitor circuit is adapted to be mounted to an optical pickup unit (¶ 48).

Regarding claim 6, Fairgrieve discloses an optical pickup unit, particularly an optical pickup unit for CD and DVD applications (element 100 in figure 1 and ¶ 49), comprising:

means for emitting light (element 102 in figure), and

means for generating a sampled feedback signal correlated to the output power of said means for emitting light and intended to be evaluated for controlling said output power of said means for emitting light (elements 106 and 107 in figures 1 and 2 and ¶s 11 and 12).

Regarding claim 8, Fairgrieve discloses everything claimed, as applied to claim 6. Additionally, Fairgrieve discloses where the optical pickup unit further comprises a controller for controlling said output power of said means for emitting light (element 100 in figure 1 and element 111 in figure 2 and ¶ 20 in combination with ¶s 16-19 and 21-28; where element 111 controls, either directly or indirectly, the other elements in figure 2).

Regarding claim 9, Fairgrieve discloses everything claimed, as applied to claim 6. Additionally, Fairgrieve discloses where said means for generating said sampled feedback signal further comprise a photo detector detecting light emitted by said means for emitting light (element 106 in figures 1 and 2).

Regarding claim 10, Fairgrieve discloses everything claimed, as applied to claim 9. Additionally, Fairgrieve discloses where said means for generating a sampled feedback signal further comprise:

a current to voltage amplifier for amplifying an output signal of said photo detector (element 107 in figure 1 and element 109 in figure 2 and ¶s 16 and 17 in view of the explanation with respect to claim 4); and

sampling circuitry for sampling an output signal of said current to voltage amplifier (element 107 in figure 1 and element 116 in figure 2 and ¶s 16 and 18).

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Regarding claim 12, Fairgrieve discloses everything claimed, as applied to claim 6. Additionally, Fairgrieve discloses where said means for generating said sampled feedback signal receives timing information generated on said optical pickup unit by means of creating a write strategy for writing an optical data carrier (§ 18), wherein said timing information is used for sampling (§ 18).

Regarding claim 13, Fairgrieve discloses everything claimed, as applied to claim 6. Additionally, Fairgrieve discloses where said means for emitting light comprise a laser diode (element 102 in figures 1 and 2 and § 11).

Regarding claims 14 and 15, Fairgrieve discloses everything claimed, as applied to claims 1 and 6, respectively. Additionally, Fairgrieve discloses devices for reading and/or writing optical storage media, characterized in that they comprise an integrated photo monitor circuit according to claims 1 and 6 (see claims 1 and 6 in view of §§ 48 and 49).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fairgrieve, in view of applicant's admitted prior art (hereinafter the AAPA).

Regarding claim 3, Fairgrieve discloses everything claimed, as applied to claim 1. However, Fairgrieve fails to disclose where said integrated photo monitor circuit is an integrated BiCMOS or CMOS circuit.

In the same field of endeavor, the AAPA discloses where said integrated photo monitor circuit is an integrated BiCMOS or CMOS circuit (page 1, lines 24-29).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Fairgrieve with that of the AAPA, for the purpose of providing a circuit having a greater operational bandwidth than discrete circuits (page 1, lines 24-29).

Regarding claim 7, Fairgrieve discloses everything claimed, as applied to claim 6. However, Fairgrieve fails to disclose where the optical pickup unit further comprises an interface for connecting said optical pickup unit via a flex connection to a printed circuit board comprising a controller for controlling said output power of said means for emitting light.

In the same field of endeavor, the AAPA discloses where the optical pickup unit further comprises an interface for connecting said optical pickup unit via a flex connection to a printed circuit board comprising a controller for controlling said output power of said means for emitting light (page 1, lines 13-23; where the interface is inherent in the structure recited on page 1, lines 13-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Fairgrieve with that of the AAPA, for the purpose of controlling the output power of a laser diode to achieve proper reading and writing results (page 1, lines 7-12).

Regarding claim 11, Fairgrieve discloses everything claimed, as applied to claim 9. However, Fairgrieve fails to disclose said means for generating said sampled feedback signal are realized by an integrated photo monitor circuit, particularly by an integrated BiCMOS photo monitor circuit.

In the same field of endeavor, the AAPA discloses where said means for generating said sampled feedback signal are realized by an integrated photo monitor circuit, particularly by an integrated BiCMOS photo monitor circuit (page 1, lines 24-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Fairgrieve with that of the AAPA, for the purpose of providing a circuit having a greater operational bandwidth than discrete circuits (page 1, lines 24-29).

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Closing Remarks/Comments

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A. Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nathan A. Danielsen/
Examiner, Art Unit 2627
02/23/2010